



STATE OF MICHIGAN
**Department of
Human
Services**

**Michigan Domestic Violence
Prevention & Treatment Board**
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Testimony on HB 5879, 5880, 5881, 5882, 5883
by Hon. Amy Krause, Chair,
Michigan Domestic Violence Prevention & Treatment Board
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Good morning. Thank you for the opportunity to testify today. I am Judge Amy Krause, Chair of the Michigan Domestic Violence Prevention & Treatment Board. I am here with Mary Lovik, an attorney serving on the staff to the Board. The Board is a legislatively-created body of 7 members appointed by the Governor with the advice and consent of the Senate. The Michigan Domestic Violence Prevention & Treatment Board exists to protect victims of domestic and sexual violence. The Board's responsibilities include administering funding to provide emergency shelter and other services to victims of domestic violence and their children. The Legislature has also given the Board the task of providing technical expertise and advice to the Governor and the Legislature on domestic violence law and policy. The ethical and policy questions that surround abortion are beyond the Board's purview. The safety of victims of domestic and sexual violence is our exclusive concern and focus.

The Board opposes this bill package, which harms pregnant victims of domestic and sexual violence by placing their struggles for safety into the midst of a political debate over the difficult, heartbreaking question of abortion. Involving pregnant victims in this emotional, politicized arena deflects attention and energy away from initiatives that could truly meet some of their very real and most pressing needs. Because domestic violence pervades every aspect of their lives, most battered pregnant women will be unable to safely invoke the protections these bills purport to offer. The relief in this package is illusory, utterly misapprehending the risk of retaliatory violence that arises when victims disclose the realities of domestic and sexual violence to persons outside the relationship. Furthermore, this package undermines our state's efforts to hold perpetrators accountable for domestic and sexual violence by diluting current criminal law sanctions for these crimes.

Domestic violence is a pattern of varied coercive tactics carried out over time to control every aspect of an intimate partner's life. Abusers' tactics often include physical assault, emotional abuse, isolation, economic coercion, stalking, threats to those who are important to the victim, property destruction, and abuse of court processes. Abusers may also force their victims to have sex against their will. Coerced sexual activity often results in victims' loss of control over related health issues, including the use or non-use of contraceptives, exposure to sexually transmitted diseases, becoming pregnant, and the decision whether or not to have an abortion. Some perpetrators may use pregnancy and responsibility for children as a means to prevent victims from leaving violent relationships, while others may feel threatened by the attention their victims give to children.

Professionals seeking to protect pregnant battered women must recognize that victims' efforts to seek escape or assistance will not necessarily cause the violence to stop. Because domestic violence perpetrators seek total control over their victims, any perceived resistance by the victim may cause them to retaliate violently or escalate the violence in order to regain lost control in the relationship. Because these bills do not recognize the potential for retaliatory or escalated violence, most battered pregnant women cannot safely invoke the relief they purport to offer. A civil lawsuit against an abusive spouse is not a realistic option for a woman who is financially dependent on that spouse and who faces a beating – or worse – if she even speaks of filing it. Similarly, the delay in the abortion procedure imposed by these bills will not protect women who have been coerced into an abortion. The current 24-hour waiting period is already potentially dangerous to these women, and this danger will only increase if a second 24-hour delay is required. A woman who has been forced to seek an abortion will not reveal this fact to her physician if she must return home to an angry batterer who will punish her upon learning that her disclosures have caused the physician to delay the procedure for 48 hours. Referrals to domestic violence shelters or the criminal justice system can provide only temporary protection from such violence for most women.

Professionals seeking to protect pregnant battered women must also recognize that they will only succeed if they consistently hold abusers accountable for violence when victims seek help. These bills undermine abuser accountability by diluting the sanctions imposed by current Michigan criminal laws. Current law holds abusers accountable for a wide range of coercive tactics, including stalking, sexual assault, physical assault, extortion, and failure to support. The weaker, ill-defined sanctions contained in this package offer abusers escape from sure, swift sanctions under the current law. Although the package allows for imposition of its sanctions in

addition to those already available under current law, there is no guarantee that prosecutors will exercise their discretion to charge all applicable crimes in every case. The resulting possibility for undercharging or for allowing pleas to lesser offenses significantly dilutes the protections offered pregnant battered women under current law, sending abusers a message that their crimes are less serious when perpetrated against pregnant women.

Truly effective measures to protect battered women would give meaningful support to their efforts to achieve safety. Battered women need access to safe, permanent housing after leaving an abuser, as well as adequate childcare, health care, and employment opportunities. They need affordable, competent lawyers to assist them with the complex legal proceedings that often begin when they leave a violent relationship. They need laws that will protect them and their children from domestic violence, especially during the potentially dangerous period of time after they have left the perpetrator. Helpful legislative efforts in this regard would seek to reform the state's domestic relations laws so that victims would not be forced into joint child custody arrangements with their abusers that expose them and their children to ongoing threats, harassment and violence. Sexual assault victims need specialized, comprehensive services available throughout the state rather than in limited locations only.

Because these unrealistic bills cannot be safely implemented, they contribute to a climate of tolerance for domestic and sexual violence, sending a message that Michigan is not serious about keeping victims safe and holding perpetrators accountable. This message is perhaps the most pernicious danger this package presents for victims of domestic and sexual violence. When society does not sincerely commit to supporting victims' efforts to gain safety and to holding batterers accountable for their crimes, victims only lose hope and perpetrators only gain courage.

Thank you for the opportunity to testify today. Ms. Lovik and I will be glad to respond to your questions.

